

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

MARK F. MEDEIROS,
Plaintiff

v.

BANK OF AMERICA AKA FIA CARD
SERVICES, N.A.,
Defendant

C.A. No. 09-107-S-LDA

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO AMEND
ANSWER**

Defendant, FIA Card Services, N.A. ("FIA") hereby files this reply memorandum in support of its Motion to Amend its Answer to the Complaint pursuant to Federal Rule of Civil Procedure Rule 15(a), for leave to amend its Answer to the Complaint to, inter alia, assert a counterclaim against Plaintiff to enforcement judgments obtained by FIA f/k/a MBNA America, Inc. in the Rhode Island Superior Court against Plaintiff.

FIA attaches herewith certified copies of the Judgments obtained by FIA f/k/a MBNA America, Inc. against Medeiros in the Rhode Island Superior Court, Providence County proceeding entitled MBNA America Bank, N.A. v. Mark F. Medeiros, identified as Civil Action No. 06-5315 and in the Rhode Island Superior Court, Providence County proceeding entitled MBNA America Bank, N.A. v. Mark F. Medeiros, identified as Civil Action No. 06-5762, as Exhibits A and B, respectively. FIA easily obtained certified copies of said Judgments from the Rhode Island Superior Court Clerk's office files. This is contrary to Plaintiff's assertion that he was unable to find any evidence in the Court records that judgments were obtained against him by MBNA America Bank, N.A. n/k/a FIA Card Services, N.A.

FIA CARD SERVICES, N.A.

By Its Attorneys,

PARTRIDGE SNOW & HAHN LLP

/s/ Steven E. Snow

Steven E. Snow (#1774)

Lauren F. Verni (#6831)

180 South Main Street

Providence, RI 02903

(401) 861-8200

(401) 861-8210 FAX

DATED: December 8, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REPLY MEMORANDUM IN SUPPORT OF MOTION TO AMEND ANSWER was filed with the Clerk of the United States District Court for the District of Rhode Island this 8th day of December, 2009 and is available for viewing and downloading to ECF registered counsel of record and was sent by mailed, postage prepaid to the following:

Mark F. Medeiros
464 Eaton Street
Providence, RI 02908

/s/ Steven E. Snow

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EXHIBIT A

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

MBNA AMERICA BANK, N.A.

VS.

MARK F MEDEIROS

C.A. NO. *Pmd-5315*

JUDGMENT

It is hereby ordered that after hearing it is hereby ordered that Plaintiff's Motion to Confirm is hereby granted and that judgment enter for the Plaintiff and against the Defendant in the amount of \$ 10383.03 *plus Saturday interest & costs.*

Order entered on _____ by the Honorable _____

ENTER:

PER ORDER:

By: *[Signature]*
1-16-09

By: *[Signature]*
ASSISTANT CLERK 1-16-09

PRESENTED BY:

[Signature]
Charles M. Vacca, Jr., Esq. #4262
Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
One Cumberland Plaza
Woonsocket, RI 02895
Telephone: 866-386-3427
PLAINTIFF'S COUNSEL

True Copy Attest

[Signature]
Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

RIJUDG/RISOAR W&A FILE NO. 148140121

EXHIBIT B

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

MBNA AMERICA BANK, N.A.

VS.

MARK F MEDEIROS

C.A. NO.

PM 06-5762

JUDGMENT

It is hereby ordered that after hearing it is hereby ordered that Plaintiff's Motion to Confirm is hereby granted and that judgment enter for the Plaintiff and against the Defendant in the amount of \$ 3029.65 *plus interest & costs*

Order entered on 1/24/07 by the Honorable *Indy Lin*

ENTER:

PER ORDER:

By:

Indy Lin
1-24-2007

By:

SMC
Clerk

PRESENTED BY:

Charles M. Vacca, Jr.

Charles M. Vacca, Jr., Esq. #4262
Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
One Cumberland Plaza
Woonsocket, RI 02895
Telephone: 866-386-3427
PLAINTIFF'S COUNSEL

True Copy Attest:

H. S. Kinch Jr.

SUPERIOR COURT
FILED

Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island
HENRY S. KINCH JR., CLERK

RIJUDG/RISOAR W&A FILE NO. 148140801

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